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Paper No. 6

In re Application of :  
M. Kuntimaddi *et al* : DECISION ON PETITION  
Application No. 09/833,667 :  
Filed: April 13, 2001 :  
Attorney Docket No. 20002.0041 :

This is a decision on the petition filed on May 27, 2003 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a proper reply to the Office letter dated October 2, 2002. No fee is required for the petition.

The petition is granted.

Petitioners allege that this application is not abandoned because the Office letter in question was not received by counsel for petitioners. While petitioners have adequately supported the allegation of nonreceipt of the Office correspondence in a manner which fully satisfies the requirements of the Notice published at 1156 OG 53, it is noted that petitioners have also alleged that a Revocation and Power of Attorney filed on March 20, 2002 has not been properly entered. As a result, the correspondence address and attorney docket number for this application have not been changed. Petitioners have also adequately supported this allegation. It is clear that based upon petitioners' showings, this application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for the following actions:

1. Entry and acknowledgement of the Revocation of Power of Attorney filed on March 20, 2002, a copy of which is attached to the petition.
2. Change of correspondence address and attorney docket number as a result of entry of the Revocation of Power of Attorney.
3. Remailing of paper No. 3, the Office letter dated October 2, 2002 to the correct correspondence address. Any attachments to paper No. 3 will also be re-mailed.

As a result of the remailing of paper No. 3, the period for filing a reply thereto will run ONE MONTH OR THIRTY (30) DAYS, whichever is longer, from the date of the remailing. This period may be extended pursuant to 37 CFR 1.136(a).

PETITION GRANTED.

E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

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